

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BYRON CHRISTMAS, et al.,	)	
	)	
Plaintiffs,	)	No. 08 C 4675
	)	
v.	)	Judge Manning
	)	
CITY OF CHICAGO, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' FIFTH MOTION *IN LIMINE* TO BAR IMPROPER BOLSTERING**

Plaintiffs Byron Christmas and Tiffany Banks, by and through their attorneys, respectfully move this Honorable Court *in limine*, to bar improper bolstering of the Defendants.

Pursuant to Federal Rules of Evidence 401, 402, and 403, Defendants should not be allowed to bolster the Defendants' character with testimony of commendations, awards, etc. Such testimony is inadmissible hearsay and improper bolstering and should be excluded. The Defendants' commendations are not probative of Plaintiffs' allegations or the defenses thereto. As held in *Charles v. Cotter*, 867 F.Supp. 648 (N.D. Ill. 1994), evidence of this nature would serve the improper function of providing evidence of Defendants' character for the purpose of proving action in conformity therewith on the night in question. *Id.* at 659 n.6. Unlike proper FRE 404(b) evidence, such evidence does not go to motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. *Id.*

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Fifth motion *in limine* as discussed above.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
/s/ James M. Baranyk  
One of the Attorneys for Plaintiff

James Baranyk  
Christopher Smith  
Robert Johnson  
Smith, Johnson & Antholt LLC  
112 S. Sangamon Street, 3<sup>rd</sup> Floor  
Chicago, IL 60607  
312.432.0400

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2010, I electronically filed the foregoing Motion *in limine* with the Clerk of the Court, giving notice to all parties.

/s/ James M. Baranyk